

RECOMMENDATION OF THE MAGISTRATE JUDGE

complaint, the plaintiff shall file “[a]n amended complaint against the health care personnel who he alleges have denied him adequate medical and mental health treatment. In the amended complaint, the plaintiff shall describe how each named defendant acted in violation of his constitutional rights.”), and (ii) file the requisite amended complaint.” Doc. No. 12 – Order of June 21, 2017. The court again cautioned Dean that his “fail[ure] to respond to the directives of this order [would result in a recommendation] that this case be dismissed without prejudice for such failure.” *Id.*

As of the present date, Dean has failed to file an amended complaint as required. In light of Dean’s failure to file the amended complaint, the court concludes that this case should be dismissed. *Tanner v. Neal*, 232 Fed. App’x 924 (11th Cir. 2007) (affirming *sua sponte* dismissal without prejudice of inmate’s § 1983 action for failure to file an amended complaint in compliance with court’s prior order directing amendment and warning of consequences for failure to comply); *Moon v. Newsome*, 863 F.2d 835, 837 (11th Cir. 1989) (holding that, as a general rule, where a litigant has been forewarned, dismissal for failure to obey a court order is not an abuse of discretion.).

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to file an amended complaint as ordered by this court.

The plaintiff may file objections to the Recommendation **on or before August 25, 2017**. The plaintiff must specifically identify the factual findings and legal conclusions in the Recommendation to which his objection is made. The plaintiff is advised that frivolous, conclusive, or general objections will not be considered. Failure to file written

objections to the Magistrate Judge's findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. 11TH Cir. R. 3-1; *see Resolution Trust Co. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989).

DONE, on this the 11th day of August, 2017.

/s/ Susan Russ Walker
Susan Russ Walker
United States Magistrate Judge